

EXHIBIT D

Declaration of Kathryn Head

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4

5 CHRISTOPHER O'HEY, on behalf of
6 himself and all others similarly situated,

7 Plaintiff,

8 v.

9 CROWDFLOWER, INC., LUKAS
BIEWALD and CHRIS VAN PELT,

10 Defendants.
11

Case No. 3:12-CV-05524-JST

DECLARATION OF KATHRYN HEAD

12 I, Kathryn Head, having a home business address of 1446 South Kittredge Street,
13 Aurora, Colorado, 80017, do hereby swear, affirm and attest as follows, based upon my personal
14 knowledge of the matters contained herein:

15 1.

16 I am over 18 years of age and competent to testify to the matters stated in this
17 declaration. I make this declaration based upon my personal knowledge and if called upon to testify
18 in this regard, could do so both accurately and competently. This declaration is given voluntarily. I
19 have not been promised any benefit, coerced or threatened in any manner in exchange for the
20 testimony in this declaration.

21 2.

22 On or about August 2011, I discovered crowdsourcing, or performing internet based
23 tasks, while looking for online surveys and focus groups. I initially came across a website called
24 Swagbucks.com, and have also utilized other crowdsourcing websites ("portals" or "channel
25 providers") such as CantBeatFree.net. On these portals, CrowdFlower and other companies
26 ("platforms" or "task requesters") offer discrete tasks that users or "contributors" such as myself can
27 choose to accept. I am a member of the Swagbucks and CantBeatFree websites, and it is through
28 these portals that I access the crowdsourcing tasks. In order to become a member of these sites, I

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1 provided only an email address and my name. I am not sure if a real name is required or if I could
 2 use an alias or different name. I have also never been asked to provide a physical address of any
 3 kind. In performing tasks, I have never provided my personal information to platforms such as
 4 CrowdFlower.

5 3.

6 After signing up for the Swagbucks and CaniBeatFree portals, I was able to review
 7 the available tasks posted on offer walls by various platforms, including CrowdFlower. I am free to
 8 perform certain tasks of my choosing offered by those platforms. There are countless types of tasks
 9 offered, and it is entirely up to me to decide if I want to perform a particular task or not.

10 4.

11 I do not consider myself to be an employee of the channel providers through whom I
 12 have performed tasks or other services, and also do not consider myself to be an employee of any of
 13 the task requesters, including CrowdFlower. Rather, I simply choose to perform tasks when I want
 14 to and only if I want to, in order to earn some supplemental income in the form of virtual currency
 15 (points, rewards, etc.) The compensation I receive for performing these tasks is not a primary source
 16 of income. As I am under absolutely no obligation to any portal or any task requester, and certainly
 17 have no obligations to CrowdFlower, I am free to perform tasks for other task requesters at any time.
 18 In determining which tasks to perform, I consider numerous factors, such as the amount of points it
 19 offers, how long the task will take, whether I like the particular task, and whether I have any concern
 20 that the task will be safe for my computer.

21 5.

22 I control my own schedule completely. I decide which tasks (if any) to perform, how
 23 I perform a given task, and whether I complete any task that I have chosen. I can choose not to
 24 perform any tasks, I can choose which tasks to perform and for which task requesters I will or will
 25 not perform tasks. I can open a task and then choose not to complete it, and I can devote as much or
 26 as little time to performing tasks as I at my sole discretion so choose. I also solely control when I
 27 choose to perform tasks and how much time I will devote to doing so. Most tasks take very little
 28 time to complete. Some take less than a minute, while even the longer ones rarely take more than a

1 few minutes. I do not keep specific track of the time I spend performing particular tasks for
 2 particular task requesters, and the amount of time I spend performing tasks may vary greatly from
 3 day to day or from week to week. For example, in a given week, I might only perform 1 or 2 tasks
 4 for a particular platform such as CrowdFlower, and spend less than 5 minutes total on those tasks.

5 6.

6 I perform tasks exclusively from my personal computers at home, which I provide. I
 7 provide my own internet service in order to access the portals that post available tasks. I am not
 8 reimbursed by any portal or platform, including CrowdFlower, for any of my expenses associated
 9 with performing crowdsourcing tasks, including my computer hardware and internet service.

10 7.

11 Neither CrowdFlower nor any particular task requester pays me for tasks that I
 12 voluntarily choose to perform. Instead, tasks are presented on offer walls to the public via portals
 13 such as Swagbucks and CantBeatFree. The offers include a statement of either the virtual or
 14 monetary reward offered by the portal for task completion. After I accumulate a certain threshold of
 15 points from any combination of task requesters, I am able to claim a virtual reward from the portal,
 16 which can be a gift certificate, a specific item, or cash. At the end of the year, I do not receive a W-2
 17 or a 1099 form from any entity for the internet based crowdsourcing tasks that I choose to perform.

18 8.

19 I am not supervised when I choose to perform tasks. While many tasks include
 20 instructions or suggestions on how to effectively complete a task, there is nobody controlling
 21 whether I perform a task, and if I do, how I perform it. I simply decide which tasks to open, some of
 22 which may be posted by CrowdFlower and many of which are posted by other task requesters, and
 23 then complete the task to the best of my ability. Other than basic writing skills and
 24 computer/internet literacy, there are no special skills required to perform the tasks. I also do not
 25 know how or if the tasks I choose to perform are ultimately used by a task requester. Many of the
 26 tasks I choose to perform, I choose because they interest me. For example, I enjoy searching for
 27 travel deals, so when there are tasks that require searching for flight costs, I try to select those.

28

9.

While I am completing tasks, I often have a particular task window open for much longer than actually spent completing any particular task. For example, I may open a number of different task windows at the same time and then perform some tasks while other task windows are open. I also do not always complete the tasks that I choose to open. There are also times when I have a task open on my computer while I am doing other things such as talking on the telephone. Because of this, the amount of time a particular task is open is often not indicative of how long it takes to complete the task. I am entirely free to do things of a personal nature which are completely unrelated to any particular task that I may have chosen to open. There are also times when I have a task open for a period of time and ultimately choose not to complete it.

10.

Performing tasks via the Internet for various task requesters including CrowdFlower has provided me with the opportunity to help supplement my husband's income in a way that suits my particular interests and personal needs. I also enjoy performing these tasks because I get to decide what I want to do, when I want to do it, and how to do it. I enjoy the fact that none of the portals or task requesters has any control over which tasks I choose or when I choose to perform them. I do not consider choosing to perform tasks on the Internet as work, and I do not believe I am anything like an employee of any channel provider or task requester.

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11.

I understand that I am not required to provide the testimony in this declaration. I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on May 8, 2013


KATHRYN HEAD

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